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50 *Attorneys for Sonos, Inc.*

51
52 UNITED STATES DISTRICT COURT
53
54 NORTHERN DISTRICT OF CALIFORNIA
55
56 SAN FRANCISCO DIVISION

57
58 SONOS, INC.,
59 Plaintiff,
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61 vs.
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63 GOOGLE LLC,
64 Defendant.

65 Case No. 3:20-cv-06754-WHA
66 Consolidated with Case No. 3:21-cv-07559-
67 WHA

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1 Pursuant to Civil Local Rule 7-12, Google LLC (“Google”) and Sonos, Inc. (“Sonos”)
 2 (collectively, “Parties”) jointly stipulate and request an order setting a schedule for witness and
 3 exhibit disclosures.

4 WHEREAS, the Parties stipulated to a schedule for witness and exhibit disclosures in their
 5 Proposed Joint Final Pretrial Order (Dkt. 615 at 10-14);

6 WHEREAS, the Court directed the Parties to “file revised stipulations regarding timely
 7 exchanges,” including to accommodate the 5:00 p.m. deadline set by the Court for filing any
 8 objections regarding opening statement demonstratives (Dkt. 660 at 9);

9 WHEREAS, the Parties have met and conferred in good faith and agreed, subject to the
 10 Court’s approval, that their proposed schedule for witness and exhibit disclosures will facilitate the
 11 resolution of disclosure disputes;

12 WHEREAS, the Parties have agreed to forgo the filing of briefs covering lingering disputes
 13 related to exchange of witnesses, exhibits, and demonstratives and will address outstanding issues
 14 with the Court during the morning’s *in limine* proceedings;

15 THE PARTIES HEREBY STIPULATE, AGREE, AND REQUEST, that the Court set
 16 deadlines for witness and exhibit disclosures as follows:

Disclosure	Deadline
<i>Witnesses</i>	
Identification of Witnesses	Each party will provide notice, by email, no later than 4:00 p.m. each day, of all witnesses intended to be presented live or by deposition two calendar days later at trial
<i>Direct Examination Exhibits</i>	
Identification of Direct Examination Exhibits	Each party will provide, by email, a list of all exhibits expected to be used during direct examination no later than 5:00 p.m. one calendar day before such intended use
Objections to Direct Examination Exhibits	The receiving party shall provide objections to the direct examination exhibits identified by the disclosing party by 8:00 p.m. that evening
Supplementation of Direct Examination Exhibits	The disclosing party may minimally supplement its direct exhibits in response to the receiving party’s disclosure of cross-examination exhibits by 7:00 p.m.

1	Meet and Confer Regarding Direct Examination Exhibits	The Parties will meet and confer regarding objections to direct examination exhibits by 9:00 p.m. the same evening
2	<i>Cross Examination Exhibits</i>	
3	Identification of Cross Examination Exhibits	Each party will provide, by email, a list of all exhibits expected to be used during cross examination (except for those to be used for impeachment) no later than 6:00 p.m. one calendar day before such intended use
4	Objections to Cross Examination Exhibits	The receiving party shall provide objections to the cross examination exhibits identified by the disclosing party by 8:00 p.m. that evening
5	Meet and Confer Regarding Cross Examination Exhibits	The Parties will meet and confer regarding objections to cross examination exhibits by 9:00 p.m. the same evening
6	<i>Direct Examination Demonstratives</i>	
7	Identification of Direct Examination Demonstratives	By no later than 5:00 p.m. one calendar day before a witness is called, the disclosing party will provide to the receiving party, by email, copies of all demonstrative exhibits that the disclosing party anticipates using on direct examination
8	Objections to Direct Examination Demonstratives	The receiving party will provide objections to the direct examination demonstratives identified by the disclosing party by 8:00 p.m. that evening
9	Meet and Confer Regarding Direct Examination Demonstratives	The Parties will meet and confer regarding objections to direct examination demonstratives by 9:00 p.m. the same evening
10	<i>Physical and/or Live Exhibits and Demonstratives</i>	
11	Availability of Physical and/or Live Exhibits and Demonstratives	The Parties will make available for inspection all physical or live exhibits or demonstratives that they plan to use during direct examination or during opening statements by 7:00 p.m. two nights before their intended use by sending pictures and then making the physical item available for inspection
12	Objections to Physical and/or Live Exhibits and Demonstratives	The Parties will exchange objections to the physical or live exhibits or demonstratives identified by the disclosing party by 8:00 p.m. one night before their intended use
13	Meet and Confer Regarding Physical and/or Live Exhibits and Demonstratives	The Parties will meet and confer regarding objections to physical and/or live exhibits and demonstratives by 9:00 p.m. the same evening
14	<i>Demonstratives Created in the Courtroom</i>	
15	Demonstratives Created in the Courtroom	A party who creates a demonstrative in the courtroom must provide the other party with a
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1	photograph or other electronic file of the demonstrative by 6:00 p.m. the same day
<i>Opening Statement Exhibits and Demonstratives</i>	
3	Exchange of Opening Statement Exhibits and Demonstratives
4	By no later than 9:00 a.m. on Sunday, May 7, 2023, the Parties will exchange, by email, lists of (a) any exhibits that the party intends to publish in its opening statement and (b) copies of any demonstrative exhibits that the party intends to use in its opening statement. If a party intends to create a demonstrative during the opening statement itself, a mock-up of such demonstrative conveying all the details and substance of the demonstrative to be created during the opening statement must be disclosed at the same time as the other opening statement demonstratives. Any physical demonstratives, including any poster boards, must be made available for inspection at the same time and photos or electronic images of the physical demonstratives must be disclosed at the same time along with the other demonstratives
13	Objections to Opening Statement Exhibits and Demonstratives
14	By no later than 12:00 p.m. on Sunday, May 7, 2023, the Parties will exchange written notice of any objections to opening statement demonstratives and exhibits
15	Meet and Confer Regarding Opening Statement Exhibits and Demonstratives
16	The Parties will meet and confer regarding objections to opening statement exhibits and demonstratives by 1:00 p.m. on Sunday, May 7, 2023
18	File Briefs Identifying Disputes Regarding Opening Statement Exhibits and Demonstratives ¹
19	To the extent the Parties do not agree on opening statement exhibits and demonstratives, the Parties will file short briefs identifying any disputes the Parties request the Court address before opening statements by 5:00 pm on Sunday, May 7, 2023

22 IT IS SO STIPULATED.

28 ¹ Briefs will not exceed four pages each, single spaced.

1 Dated: May 5, 2023

2 /s/ Sean Pak

3 Attorneys for GOOGLE LLC

4 QUINN EMANUEL URQUHART &
5 SULLIVAN, LLP

6 *Counsel for Google LLC*

Respectfully submitted,

6 /s/ Clement S. Roberts

7 Attorneys for SONOS, INC.

8 ORRICK, HERRINGTON & SUTCLIFFE
9 LLP

10 *Counsel for Sonos, Inc.*

11 **ECF ATTESTATION**

12 I, Sean Pak, am the ECF User whose ID and password are being used to file this Joint
13 Stipulation. In compliance with Civil Local Rule 5-1, I hereby attest that Clement S. Roberts,
14 counsel for Sonos, has concurred in this filing.

15 Dated: May 5, 2023

16 By: /s/ Sean Pak

17 Sean Pak

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1 ~~PROPOSED~~ ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

3 If challenges arise, the Court may revert back to the exchange deadlines in the
4 standing order and revisit how lingering disputes are briefed.

5 DATED: May 8, 2023.

6 By:



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10 Hon. William Alsup
11 United States District Judge
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